

14. (New) *A C. elegans* the genome of which has been engineered to include the nucleic acid of claim 6.

15. (New) *A C. elegans* the genome of which has been engineered to include the nucleic acid of claim 7.

16. (New) *A C. elegans* the genome of which has been engineered to include the nucleic acid of claim 8.

REMARKS

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

Claims 1-4 have been cancelled and new claims 5-16 have been added. The new claims are fully supported by an enabling disclosure (see, for example, the sequence information provided in Figure 5 and the reference at page 9 to citations describing the genomic sequencing of *C. elegans*). That the claims have been revised should not be taken as an indication that Applicants agree with any position taken by the Examiner. Rather, the revisions are made merely to advance prosecution and Applicants reserve the right to pursue any deleted subject matter in a continuation application.

Claims 1, 2 and 4 stand rejected under 35 USC 112, first paragraph, as allegedly lacking written description. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim revisions and for the reasons that follow.

The rejection appears based, at least in part, on the recitation in the original claims of the term "gene". That term does not appear in the claim as now presented.

The Examiner contends that the subject specification does not describe species, other than mt1-2, "within the genus of *C. elegans* cadmium responsive genes or corresponding full length cDNA sequences, and any and all transgenic *C. elegans* comprising any cadmium responsive gene" with particularity to indicate Applicants had possession of the claimed invention. Applicants respectfully disagree.

As the Examiner points out, possession can be shown by describing the invention with sufficient relevant identifying characteristics such that an artisan would recognize the inventor had possession of the invention.

In this regard, the Examiner is reminded that, at the time of filing, the *C. elegans* genome had been essentially sequenced (see page 9 of the application for relevant references and accession numbers, the content thereof being

incorporated by reference at page 33). The Examiner's attention is then directed to the data provided in the Examples, particularly Examples 2 and 4. Table II of Example 2 shows that DDRT 2, 7, 16 and 26 are differentially expressed cDNAs derived from the same gene. Table III of Example 4 shows that DDRT 2, 7, 16 and 26 are derived from the gene F35E811 (see also page 31, lines 10 and 11). As indicated in the legend to Table III, that gene designation relates to the cosmid name followed by the structural gene number. Given this information, and the available sequence information (again, see page 9), it will be clear that Applicants had full possession of the claimed invention at the time of filing. Accordingly, reconsideration is requested.

Claims 1, 2 and 4 stand rejected under 35 USC 112, first paragraph, as allegedly being non-enabled. Withdrawal of the rejection is submitted to be in order in view of the above claim amendments and foregoing comments, which comments are equally applicable here. Again, the Examiner is urged to review the detailed Examples (note particularly Table II which provides the fold charge in the relevant mRNA levels following cadmium exposure), and those portions of the Detailed Description that describe how to make and use the claimed transgenic *C. elegans*.

In view of the above, reconsideration is requested.

Claims 1 and 2 stand rejected under 35 USC 102(b) as allegedly being anticipated by Freedman et al or Ishii et al. Withdrawal of the rejections is believed to be in order in view of the above claim revisions.

Reconsideration is requested.

This application is submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

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